

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF TEXAS

JUL - 8 2009

DAVID J. MALAND, CLERK
BY
DEPUTY 

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Tommy Lee Fitts

Case Number: 5:03CR00040-001

Name of Sentencing Judicial Officer: David Folsom, U.S. District Judge

Date of Original Sentence: November 29, 2004

Original Offense: Felon in possession of a firearm

Original Sentence: 48 months imprisonment followed by three (3) years of supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: April 30, 2007

Assistant U.S. Attorney: Tom Ferraro

Defense Attorney: Craig Henry

PETITIONING THE COURT

TO ISSUE A WARRANT

The probation officer believes that the offender has violated the following condition(s) of supervision:

CONDITION

Allegation 1

Mandatory

The defendant shall not commit another federal, state, or local crime.

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NATURE OF NONCOMPLIANCE

On or about March 6, 2009, Mr. Fitts was arrested by the Atlanta, Texas, Police Department and charged with committing the offense of assault-family violence. It is alleged that Mr. Fitts punched his girlfriend, Brandi Bomer, in her mouth. As of this writing, this charge is still pending.

On or about March 9, 2009, Mr. Fitts was arrested by the Cass County, Texas, Sheriff's Office on a warrant charging that he was found in possession of a substance or device designed to falsify a drug test result. It is alleged that Mr. Fitts was in possession of a

whizzinator and a bottle of urine. As of this writing, this charge is still pending.

The defendant shall not commit another federal, state, or local crime.

On or about July 7, 2009, in Linden, Texas, Mr. Fitts allegedly committed the offense of criminal trespass-habitation/shelter center. It is alleged that Mr. Fitts was on the property of Vickie Bomer after previously being asked by Ms. Bomer not to come back on her property. As of this writing, this charge is still pending.

Allegation 2

Mandatory

The defendant shall refrain from any unlawful use of a controlled substance.

On March 24, 2008, Mr. Fitts admitted to using marijuana a few weeks before.

On March 10, 2009, Mr. Fitts submitted a urine specimen that tested positive for the use of methamphetamine and marijuana. Mr. Fitts admitted to using said drugs.

On May 30, 2009, Mr. Fitts submitted a urine specimen that tested positive for the use of marijuana. Mr. Fitts admitted to said use.

Allegation 3

Standard

(7) The defendant shall refrain from excessive use of alcohol.

On July 6, 2009, Mr. Fitts admitted to excessively using alcohol during the previous weekend.

U.S. Probation Officer Recommendation and Justification:

The U.S. Probation Office previously reported to the Court that treatment services would be offered to Mr. Fitts in order to address his use of illicit substances as well as his inability to control his anger at times. However, in light of recent events, including the pending criminal trespass charge and harmful threats made by Mr. Fitts to Ms. Bomer and members of her family, the U.S. Probation Office feels there are extreme safety risks as long as Mr. Fitts is allowed to remain in the community. Therefore, it is respectfully recommended that the Court issue a warrant for Tommy Lee Fitts to appear in court to show cause why his supervision should not be revoked.

I declare under penalty of law that the foregoing
is true and correct.



Alan Elmore
U.S. Probation Officer
(903) 794-4515 intercom # 239

Reviewed and approved:



Joe Heath, Supervising
U.S. Probation Officer

Executed on July 8, 2009
Place: Texarkana, Texas

THE COURT ORDERS:

☒ The Issuance of a Warrant
☐ Other



U.S. District Judge David Folsom

July 9, 2009

Date